

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
MATTHEW DEROCHA,**

Plaintiff,

**5:18-cv-1052
(GLS/ATB)**

v.

NORTH SYRACUSE POLICE,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

MATTHEW DEROCHA

Plaintiff *Pro Se*

1074 South Clinton Street
Syracuse, New York 13202

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following an Order and Report-Recommendation by Magistrate Judge Andrew T. Baxter duly filed on November 27, 2018. (Dkt. No. 14.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.¹

¹ Plaintiff filed no objections; however, he submitted a second amended complaint, (Dkt. No. 15), without permission of the court, which will be addressed by Judge Baxter in due course.

No objections having been filed, and the court having reviewed the Order and Report-Recommendation for clear error, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No. 14) is **ADOPTED** in its entirety; and it is further

ORDERED that plaintiff's False Arrest/Unlawful Confinement claims (First and Second Causes of Action) are **DISMISSED WITH PREJUDICE IN THEIR ENTIRETY** as against **ALL DEFENDANTS**; and it is further

ORDERED that the complaint is **DISMISSED IN ITS ENTIRETY AS AGAINST THE VILLAGE OF NORTH SYRACUSE**, but that the Village of North Syracuse remain as defendant in this action for purposes of identifying defendants and serving them with process; and it is further

ORDERED that plaintiff's malicious prosecution claims go forward as against defendants Lindstruth and Tripp; and it is further

ORDERED that the amended complaint (Dkt. No. 11) be returned to Magistrate Judge Baxter for a further order regarding service; and it is further

ORDERED that plaintiff's second amended complaint (Dkt. No. 15), which has been filed without leave of the court is also referred to Magistrate Judge Baxter for his review and consideration; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

December 21, 2018
Albany, New York

Gary L. Sharpe
Gary L. Sharpe
U.S. District Judge